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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

BENJAMIN JOHN SARGISSON,

Defendant.

CASE NO. 2:22-CR-16-DAD

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: February 21, 2023
TIME: 9:30 a.m.
COURT: Hon. Dale A. Drozd

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant's counsel of record, hereby stipulate as follows:

1. This case was set for a status conference on February 21, 2023.
2. By this stipulation, defendant now moves to continue the status conference until April 4, 2023, at 9:30 a.m., and to exclude time between February 21, 2023, and April 4, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes investigative reports and photographs, which the government has either produced directly to counsel or made available for inspection and copying. The government is also in the process of confirming whether there is additional discovery, which it will produce in the event it

1 is identified.

2 b) The parties are in the process of attempting to resolve this matter. Counsel for
3 defendant desires additional time to review the discovery produced, to consult with his client, to
4 conduct investigation and research related to the current charges, to discuss potential resolutions
5 to this matter, and to otherwise prepare for trial.

6 c) Counsel for defendant believes that failure to grant the above-requested
7 continuance would deny him/her the reasonable time necessary for effective preparation, taking
8 into account the exercise of due diligence.

9 d) The government does not object to the continuance.

10 e) In addition to the public health concerns cited by the General Orders and
11 presented by the evolving COVID-19 pandemic, an ends-of-justice delay is particularly apt in
12 this case because the defendant is out of custody and lives an appreciable distance from
13 Sacramento, where defense counsel is based. As a result, all travel must be carefully
14 coordinated, which is more difficult at this time.

15 f) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in a trial within the
17 original date prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which trial must commence, the time period of February 21, 2023 to April 4,
20 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
21 T4] because it results from a continuance granted by the Court at defendant's request on the basis
22 of the Court's finding that the ends of justice served by taking such action outweigh the best
23 interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: February 9, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ JAMES R. CONOLLY
JAMES R. CONOLLY
Assistant United States Attorney

Dated: February 9, 2023

/s/ RON PETERS
RON PETERS
Counsel for Defendant
BENJAMIN JOHN SARGISSON

ORDER

Pursuant to the stipulation of the parties, the status conference in this case is continued to April 4, 2023, at 9:30 a.m., and time is excluded between February 21, 2023, and April 4, 2023, under 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code T4].

IT IS SO ORDERED.

Dated: February 12, 2023


UNITED STATES DISTRICT JUDGE